



Update from AAJ Linda A. Lipsen

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AAJ stands against police misconduct

NATIONAL ORGANIZATION ACTIVELY WORKING WITH THE CONGRESSIONAL BLACK CAUCUS TO PRODUCE LEGISLATION TO END THE MILITARIZATION OF STATE AND LOCAL POLICE DEPARTMENTS

WASHINGTON UPDATE

AAJ stands resolute against police misconduct, brutality, and systemic racism. Recent tragic and senseless deaths have us feeling sadness, pain, and outrage as we mourn for the Floyd family and the countless others who have suffered.

I am proud that AAJ members Ben Crump and Tony Romanucci are leading the fight for the Floyd family, along with other AAJ members on their trial teams.

AAJ is actively working with the Congressional Black Caucus, which has been asked to produce legislation to end the militarization of state and local police departments, end legal shields/qualified immunity for law enforcement, eliminate “no-knock” warrants, create a federal database of complaints against police, and more.

For over 50 years, the qualified immunity doctrine has shielded law enforcement officers from lawsuits for civil rights violations against those they are sworn to protect. In the last two years, AAJ has joined six amicus curiae briefs fighting to overturn this unjust policy. All are available at justice.org/aa-j-amicus-briefs.

Now, with the introduction of the Justice in Policing Act of 2020 in the U.S. House of Representatives, we urge Congress to end the qualified immunity doctrine; enhance the collection and dissemination of policing information and reporting; and increase transparency in policing. The bill includes provisions that would make progress toward ending unjust policies and addressing police brutality and systematic racism within law enforcement.

Ben Crump testified at the House Judiciary Committee (June 10) hearing on policing practices and law enforcement accountability, and AAJ President Bruce Stern submitted a statement on behalf of AAJ to the committee. AAJ strongly supports the Justice in Policing Act of 2020 and will continue this fight till justice is realized for all in America.

Below are some other highlights of how AAJ is working to protect your practices, your clients’ rights, and the future of civil justice.

AAJ works with state TLAs on COVID-19 response

Economic immunity

As the country contemplates reopening, many states are considering broad immunity provisions, even when businesses fail to enact adequate protection from the spread of the coronavirus. By lowering the standard that businesses are held to, these states put their entire populations at risk. At least seven states have enacted some form of economic immunity. Several others have proposed broader economic immunity legislation that has not yet passed.

Sadly, many states that have granted immunity have now seen surges in coronavirus cases. Utah enacted sweeping immunity from civil liability to premises owners and business operators for injuries or death related to COVID-19 that occur on their premises. The same day the governor signed the legislation into law, two Utah County Commissioners publicly disclosed that two businesses instructed employees not to follow quarantine guidelines after exposure at work and required employees with confirmed cases of COVID-19 to report to work. In the weeks since the law went into effect, the number of confirmed cases has risen, including at a veterans home.

North Carolina packaged immunity for a broad array of essential businesses. Weeks later, confirmed cases are surging in the state. Alabama’s Executive Order enacts broad immunity for all businesses, health care providers, and other covered entities, such as schools and churches, for any act related to a COVID-19 transmission or covered COVID-19 response activity. Cases are surging in the state.

These immunity laws do nothing to help the economy and create a perverse incentive for businesses to cut corners on employee and customer safety. AAJ State Affairs and the TLAs are working to ensure that businesses act responsibly to protect workers and consumers.

Joint AAJ/FJA amicus brief on summary judgment standard

In June 2020, AAJ will sign on to a joint amicus brief with the Florida Justice Association in Florida Supreme Court case *Wilsonart LLP v. Lopez* (Fla. SC19-1336). The case deals with whether Florida should adopt the federal summary judgment standard, a question that the court specifically asked the parties to brief. AAJ provided research for the amicus brief, which is being authored by AAJ/FJA member Andrew Harris of Burlington & Rockenbach, PA. AAJ/FJA member Bryan Gowdy of Creed & Gowdy, PA represents Plaintiffs.

Federal rules update

Emergency Civil Rules update:

AAJ submitted comments in response to the Advisory Committee on Civil Rules notice of emergency rulemaking. As you may know, the third pandemic-related bailout package, the CARES Act, provides the authority to use video and telephone conferencing for certain proceedings in criminal cases and directed the Judicial Conference to develop emergency measures for the courts. This directive means that courts must come up with rules about how to operate during a pandemic or other emergency. Chief Justice John Roberts considers this rulemaking the highest priority right now. He has directed the Advisory Committee to have draft rules by October.

AAJ’s comment focused on themes such as the use of technology to allow court proceedings to continue without unnecessary delays, uniformity in the rules so all courts and jurisdictions allow for electronic filings and virtual proceedings, and public access to court information. AAJ also coordinated comments among AAJ members from different practice areas and among other related consumer-focused groups.

The federal rules have an impact across practice areas and even to those that practice in state court. State courts often follow the federal rules for guidance and will take their cues from federal changes. AAJ will continue to be proactive in this space as new developments emerge. It is extremely important that the Advisory Committee receive input and comments from the Plaintiffs’ bar.

If you have any questions or concerns, please contact Sue Steinman at Susan.Steinman@justice.org.

Fighting for you and your clients

Thank you for your support. Despite these difficult times, AAJ continues to fight all attempts to deny access to justice. We will keep you informed about important developments and welcome your input. You can reach me at advocacy@justice.org.